

REMARKS

In accordance with the foregoing, claim 6 has been amended. Claims 1-6 are pending and under consideration.

In paragraph 3 of the Office Action, the Examiner rejects claim 6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enabling requirement. Claim 6 has been amended to recite that the exchange termination is provided at a private branch exchange. Antecedent support can be found at page 9, lines 8-27 of the application with reference to Fig. 2. This portion of the specification indicates, for example, that "The switching device PBX contains at least one exchange termination ET that is connected with a user interface of the ATM network ATMN, likewise shown, via a means IWF for converting time-division multiplex data and ATM cell data." In view of the claim amendments, it is submitted that the rejection should be withdrawn.

Claims 1-4 and 6 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,638,265 to Duault et al. in view of U.S. Patent No. 5,675,574 to Norizuki et al. and U.S. Patent No. 5,412,655 to Yamada et al.

Duault et al. is directed to transmitting constant bit rate data such as voice and video traffic in a packet switched network using ATM. Specifically, Duault et al. is directed to allowing the bit rate of constant bit rate traffic to vary. To address this concern, Duault et al. proposes continually transmitting a change indicator from a source to a destination. When the change indicator reflects a variance in the bit rate, the destination modifies the value of the change indicator, and then the varied bit rate is used. The Examiner places particular importance in the paragraph at column 5, lines 46-57. This paragraph indicates that TDM data is multiplexed into channels in an ATM connection. Each channel is associated with a specific call.

The Examiner states that the Duault et al. does not disclose the exchange termination and line termination connected to an ATM network and does not disclose an allocation unit to allocate a virtual ATM channel to each TDM channel. Duault et al. discloses an interface between an ATM network and a TDM network. However, independent claim 1 is directed to a TDM network connected via an exchange termination, TDM-based terminal equipment connected via a line termination, and connection units provided at the exchange termination and the line termination to connect each to an ATM network. Duault et al. does not disclose or suggest that an ATM network might be used as the network between a line termination and an exchange termination. Norizuki et al. is cited for this deficiency.

Norizuki et al. teaches how to design a congestion control system for an interface between a private branch exchange and an ATM network. Therefore, Norizuki et al. focuses on a detail of an ATM user interface (according to our claim language) which is of rather secondary importance. Norizuki et al. does not even mention the details regarding relating to TDM based terminal equipment, such as at least a line termination. Moreover, Norizuki et al. is absolutely silent on using an ATM network as a transmit network between a private branch exchange and TDM based terminal equipment. Therefore, Norizuki et al. does not disclose the features missing in the Duault et al. reference. Even if it would have been obvious to combine the references, the claimed invention would not result.

With regard to Yamada et al., this reference is merely cited for the additional limitations of dependent claim 4. The Examiner asserts that this reference discloses a cell assembly system, which puts TDM data into ATM cells, and a cell disassembly system, which disassembles a TDM data from ATM cells. The Examiner asserts that it would have been obvious to include the assembly/disassembly system of Yamada in the circuit emulation service of Duault et al. "in order to enhance accuracy into reduce complexity." However, it appears that substitution of this type would increase complexity, not decrease it. It is submitted that there is no proper motivation for combining the references as suggested by the Examiner.

Because none of Norizuki et al., Duault et al., and Yamada et al. taken alone or in any proper combination, disclose or suggest a TDM network connected via an exchange termination, TDM-based terminal equipment connected via a line termination, and connection units provided at the exchange termination and the line termination to connect each to an ATM network, as claimed, it is submitted that the rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Oct 14 2003

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 14, 2003
STAAS & HALSEY
By Mark J. Henry
Date: Oct 14 2003